

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ROBERT LAMONT KIZER  
Plaintiff,

v.

HOUSTON COUNTY JAIL  
Defendant.

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No. **3 09 0783**  
(No. 3:09-mc-0184)  
Judge Trauger

MEMORANDUM

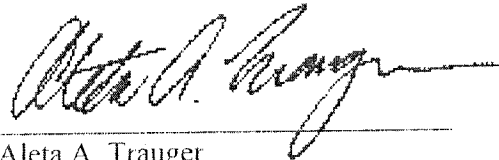
The plaintiff, proceeding *pro se*, is an inmate at the Houston County Jail in Erin, Tennessee. He brings this action against the Houston County Jail seeking unspecified relief.

The plaintiff complains about conditions of his confinement at the jail. More specifically, he alleges that he is a victim of racial discrimination. In addition, the plaintiff alleges that he has been improperly isolated in a cell that smells of urine, refused medical care, and refused work around the jail.

*Pro se* pleadings are subject to liberal construction. Haines v. Kerner, 404 U.S. 519 (1972). Liberal construction, however, does not require the Court to create a claim which the plaintiff has not spelled out in his complaint. Wells v. Brown, 891 F.2d 591, 594 (6<sup>th</sup> Cir. 1989). A plaintiff is required to plead more than bare legal conclusions. Lillard v. Shelby County Board of Education, 76 F.3d 716, 726 (6<sup>th</sup> Cir. 1996). Thus, a *pro se* litigant must meet the basic pleading requirements for a complaint in order to state a cognizable claim for relief. Wells, *supra*. The plaintiff must identify the right or privilege that was violated and the role that the defendant played in the alleged violation. Dunn v. Tennessee, 697 F.2d 121, 128 (6<sup>th</sup> Cir. 1982).

In this case, the plaintiff has named but one defendant, the Houston County Jail. A building, however, is incapable of violating an individual's rights. Thus, it has been recognized that a jail is not subject to suit for alleged violations of an inmate's civil rights. Rhodes v. McDannel, 945 F.2d 117, 120 (6<sup>th</sup> Cir. 1991); Marbry v. Correctional Medical Service, No. 99-6706, 2000 U.S. App. LEXIS 28072 (6<sup>th</sup> Cir.;11/6/00). Consequently, the plaintiff has failed to state a claim upon which relief can be granted.

When a prisoner plaintiff has failed to state a claim, the Court is obliged to dismiss his complaint *sua sponte*. 28 U.S.C. § 1915(e)(2). Therefore, an appropriate order will be entered.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

Aleta A. Trauger  
United States District Judge